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July 28, 2005

Nelson Oramas
8777 Collins Avenue #1006
Surfside, FL 33154

RE: REQUEST FOR ADVISORY OPINION RQO 05-82

Dear Mr. Oramas:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 27, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the application of the two-year rule to work as a consultant for SEA SECURE.

In your letter, you advised the Commission that you recently retired as the Assistant Director for Security at the Seaport. In that capacity, you developed and implemented the Comprehensive Security Master Plan for the Seaport. SEA SECURE is currently doing work at the Seaport related to the Security Master Plan. SEA SECURE (as a subconsultant to Kunde Sprecher) assisted the Seaport in the development of the Seaport Security Master Plan, did risk and vulnerability assessments and coordinated security planning with state and federal agencies.

SEA SECURE is currently serving as a subcontractor to Kimley-Horn on a security

and communications contract at the Seaport. The scope of services consists of "design and development of technical specifications, production of Auto CAD drawings and details for the installation of security fences and gates, lighting, access controls (including biometrics), I.D. card readers, public address and security warning systems, intelligent transportation systems, cargo security gates, command and control centers, communications networks and other security communications related technologies including required underlying physical infrastructure."

You will serve as a consultant to SEA SECURE on the project. As a consultant, you will conduct security assessments, conduct audits and provide training to port personnel.

The Conflict of Interest and Code of Ethics ordinance permits Oramas to serve as a consultant to SEA SECURE on projects at the Seaport. Section 2-11.1(q) provides that "no person who has served as an elected official, i.e. mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall for a period of two years after his or her county employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatever, whether, direct or indirect. Nothing contained in this subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a County department or agency during the two

year period after his or her county service has ceased."

The code defines lobbying as "seeking to encourage the passage, defeat or modifications of: 1) ordinance, resolution, action or decision of the County Commission; 2) any action, decision, recommendation of the County Manager or any County board or committee; or 3) any action, decision, or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities.

As a former employee, you may work as a consultant for county contractors. As a consultant, you may make routine administrative requests of Seaport staff including routine discussions and coordination of issues related to the security contract. Further, you may conduct security assessments and security training for port personnel. However, you are prohibited from negotiating contractual issues with department staff including proposed change orders or any amendment or modification to a contract that will be reduced to writing and submitted for approval to any of the following: to the department head, the County Manager and his or her staff or the Board of County Commissioners.

Therefore, you may serve as a consultant to SEA SECURE and perform the duties contemplated by the parties. Section 2-11.1(q) only prohibits you from lobbying county personnel or negotiating contractual matters with county personnel.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics

ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director